

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

GERALD LEWIS AUSTIN,)	CIV. NO. 11-00690 SOM-RLP
#A1076082,)	
)	
Plaintiff,)	ORDER GRANTING <i>IN FORMA</i>
)	<i>PAUPERIS</i> APPLICATION AND
vs.)	DIRECTING PAYMENT
)	
CORRECTIONAL OFFICER STEVENS,)	
)	
Defendant.)	

ORDER GRANTING *IN FORMA PAUPERIS* APPLICATION AND
DIRECTING PAYMENT

Pro se Plaintiff Gerald Lewis Austin, a prisoner at the Halawa Correctional Facility ("HCF"), has filed a prisoner civil rights complaint and an *in forma pauperis* application.¹

Plaintiff's *in forma pauperis* application is **GRANTED**. See 28 U.S.C. § 1915(a). Plaintiff is required to pay the \$350.00 statutory filing fee in monthly payments equal to 20% of the previous month's income credited to his account when his account balance exceeds \$10.00. 28 U.S.C. § 1915(b)(1). The Warden or designee must collect and forward these payments to the court when the amount in Plaintiff's account exceeds \$10.00. 28 U.S.C. § 1915(b)(2).

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¹ The court will screen the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) & 1915A(a) by separate order. If Plaintiff's Complaint is dismissed as frivolous, malicious, or for failure to state a claim, Plaintiff is nonetheless obligated to pay the entire filing fee for this action. See 28 U.S.C § 1915(b)(1) & (e)(2).

IT IS ORDERED:

1. Plaintiff's *in forma pauperis* application is GRANTED.

2. The HCF Warden and the Director of the Hawaii Department of Public Safety, or their designee, are ordered to forward to the Clerk of Court payments when the amount in the Plaintiff's trust account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. THE PAYMENTS SHALL BE CLEARLY IDENTIFIED BY THE NAME AND NUMBER ASSIGNED TO THIS ACTION. It is the Department of Public Safety's responsibility to ensure that these payments are made and do not exceed \$350.00. See 28 U.S.C. § 1915(a)(2-3).

3. The Clerk shall serve by mail a copy of this order on Plaintiff, the HCF Warden, the Director of the Hawaii Department of Public Safety, and Shelley Nobriga, Department of Public Safety Offender Management Administrator, 919 Ala Moana Blvd., 4th Floor, Honolulu, Hawaii 96814.

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4. The Clerk shall forward a copy of this Order to the Financial Office for the United States District Court for the District of Hawaii. The Financial Office shall set up an account to receive payments and notify the Court when the fee is paid in full.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 17, 2011




Richard L. Puglisi
United States Magistrate Judge

Austin v. Stevens, Civ. No. 11-00690 SOM-RLP; psas\IFP\dmp\2011\Austin 11-690
rlp (grt 1983, no \$, no scr.)